

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES BARTON,

Plaintiff,

vs.

TAGGART BOYD, Warden of RTC;
MICHELE WILHOLM, Warden of NSP;
CASE MANAGER HASSAN, Case Manager
of NSP; HOUSING UNIT 3 CLASSY, Unit
Manager of NSP; B. NIEMAN, Disciplinary
Committee; CPL. ESCHLIMAN, Disciplinary
Committee; SAXTON ALEX, Cpl.;
RICHARD WHITE, J. YOUNG, STOUT,
Cpl.; HABTU, SGT; DUSTIN BOWERS,
BUKOVNIK, SANDRO, AL-AMIRI, Corporal,
NSP; RTC CPL, CORPORAL MILLER,
JENSEN, COBORN, and CRUZ,

Defendants.

8:24CV180

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Complaint, [Filing No. 1](#), on May 16, 2024. However, Plaintiff failed to include the \$405.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$405.00 filing and administrative fees to the Clerk's office or submitting a request to proceed in forma pauperis ("IFP").¹ Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court's \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$55.00 administrative fee assessed to non-IFP plaintiffs. Prisoner plaintiffs are required to pay the full amount of the Court's \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. [28 U.S.C. § 1915\(b\)](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$405.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **June 20, 2024**: Check for MIFP or payment.

Dated this 21st day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon
Senior United States District Judge